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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,909	03/05/2002	John Slabich	50047590-0045	9188

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/091,909

Applicant(s)

SLABICH ET AL.

Examiner

Thomas Y Ho

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– Th MAILING DATE of this communication appears on the cover sheet with the c rrespondence address –

Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(I) Claims 1-3, 5-7, 13-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner USPN4841102.

As to claims 1-3, 5-7, 13-20, and 23-24, Elsner discloses:

- A baffle board 1 having a passage 7 coupled to a gland 3 so as to form a break in the gland; and a cord gasket 9 comprising a first end, a second end, and a segment positioned between the first end and the second end (Fig.1; Fig.2), where the segment is positioned in the gland of the baffle board and the first end and second end are positioned in the passage. The passage is the break defined by holes 7 in the gland/channel 3.
- The passage leads into a pocket (Fig.2) having a depth and where at least one of the first end and the second end are positioned in the pocket. The pocket is the central portion of the holes 7.
- The pocket depth is greater than a depth of the gland (Fig.2).
- The passage leads into a notch and where at least one of the first end and the second end are positioned in the notch. The notch is the lower portion of the holes 7.
- The passage further leads into a pocket.

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- The second end of the cord gasket is positioned in the pocket.
- The first end and the second end are positioned in the passage to overlap one another (Fig.4) and a depth of the passage is greater than a depth of the gland (Fig.5).
- The first end is secured in a first notch and the second end is secured in a second notch at a location that is remote from the first end. The notches are defined by the lower portions of the holes 7 (Fig.4), and in Figure 4, the holes are clearly remote from one another, and so are the ends of the cord gasket 9.
- Means for creating an airtight seal between the baffle board and the housing 2.
- The creating means includes a passage in the baffle board coupled to a gland to form a break in the gland.
- The creating means further includes a cord gasket having a first end and a second end positioned in the passage.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(II) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner

USPN4841102 in view of cited case law.

Elsner discloses:

- The claimed limitations detailed in paragraph (I) above.

Elsner fails to explicitly disclose or suggest:

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- The depth of the pocket is approximately 0.5 inch to 1.0 inch.

Elsner discloses a pocket that could possibly be 0.5 to 1.0 inches, but the exact measurements are never explicitly stated. A change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the depth of the pocket disclosed by Elsner to be 0.5 to 1.0 inch because changes in size are design considerations within the skill of the art.

(III) Claims 8-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner USPN4841102 in view of Sundell USPN1816301.

As to claims 8-9 and 21-22, Elsner discloses:

- The claimed limitations detailed in paragraph (I) above.

Sundell discloses the following not disclosed by Elsner:

- The passage comprises a first wall 1 (one side) having a first tab 7 (one side) and a second wall 1 (other side) comprising a second tab 7 (other side), where the first tab and second tab face one another to define a gap.
- A distance of the gap is less than a distance of a cross-sectional diameter of the cord gasket.

Elsner discloses the passages and walls, but with the cord 9 fixed in the passage by adhesive 10. Sundell discloses the snap-fit tab-type mounting feature for a cord 3, for detachably connecting two portions of a coiled cord together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adhesive mounting disclosed by Elsner to be a snap-fit mounting, as taught by Sundell, so the parts are detachably connected, and

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because different methods of mounting are known to be equivalent to those of ordinary skill in the art.

(IV) Claims 8-12 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner USPN4841102 in view of Padrun USPN4617775.

As to claims 8-12 and 21-22, Elsner discloses:

- The claimed limitations detailed in paragraph (I) above.

Padrun discloses the following not disclosed by Elsner:

- The passage comprises a first wall 18 having a first tab 18c and a second wall 19 comprising a second tab 19c, where the first tab and second tab face one another to define a gap 20.
- A distance of the gap is less than a distance of a cross-sectional diameter of the cord gasket 11.
- A surface of the first tab and a surface of the second tab each are chamfered to define a V-shaped groove (col.2, ln.37-45)
- The V-shaped groove defines an angle that ranges from approximately 25 degrees to 150 degrees.
- At least one of the first tab and the second tab is configured to flex when pressed from a first side and configured to remain rigid when pressed from a side generally opposite of the first side.

Elsner discloses a passage 7 in the baffle board 1 having first and second walls, with the ends of the cords mounted between the walls by adhesive 10. Padrun discloses the snap-fit tab-type mounting feature for securely holding two cords 11/12, but permitting the cords to be

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moved axially under applied force in order to adjust the combined length of the assembly (col.2, ln.10-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adhesive mounting disclosed by Elsner to be a snap-fit mounting, as taught by Padrun, so the cord can be securely mounted, while still allowing for length adjustment, and because different methods of mounting are known to be equivalent to those of ordinary skill in the art.

(V) Claims 8-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsner USPN4841102 in view of Chou USPN5331725.

As to claims 8-9 and 21-22, Elsner discloses:

- The claimed limitations detailed in paragraph (I) above.

Chou discloses the following not disclosed by Elsner:

- The passage comprises a first wall 22 having a first tab 33 and a second wall 24 comprising a second tab 34, where the first tab and second tab face one another to define a gap.
- A distance of the gap is less than a distance of a cross-sectional diameter of the cord gasket 30.

Elsner discloses the passages and walls, but with the cord 9 fixed in the passage by adhesive 10. Chou discloses the snap-fit tab-type mounting feature for a cord 30, for connecting two portions of a cord 30 together with high-holding ability (col.2, ln.40-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adhesive mounting disclosed by Elsner to be a snap-fit mounting, as taught by ^{Chou}~~Sundell~~, so the

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cord is mounted under high-holding ability, and because different methods of mounting are known to be equivalent to those of ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN1630675 to Sinclair discloses joint packing.

USPN1653884 to Straub discloses a packing joint.

USPN4825015 to Prott discloses an electromagnetic shielding arrangement.

USPN5016559 to Larson discloses a bookmark having integral pencil holder.

USPN5351371 DeVeau discloses a rod securing clip for cords.

USPN5791022 to Bohman discloses a cord locking mechanism.

USPN5964465 to Mills discloses a low creep gasket assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.


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TYH

July 11, 2003


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SUPERVISORY PATENT EXAMINER
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